



National Aeronautics and  
Space Administration

**Principal Center for Regulatory Risk Analysis and Communication**

# Regulatory Tracking Summary

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*16 January 2009*

This report summarizes regulatory items reviewed by the NASA RRAC PC. Items that appeared to have limited interest to the NASA community, or are provided for information only, are shown in light gray text. Notes and comments by the RRAC PC are shown in bold, blue text under "Description." Related documents and citations, such as "71 FR 51967," are linked to the appropriate document for quick access. Suggested follow-up actions are noted with significant items; users are advised that other follow-up actions may be appropriate for their program or facility.

Previous issues of this regulatory summary are archived on the RRAC PC website at <http://www.rracpc.org>. Comments, questions, suggestions, and requests for further information should be directed to the RRAC PC Manager, Sharon Scroggins at 256-544-7932 ([sharon.scroggins@nasa.gov](mailto:sharon.scroggins@nasa.gov)).

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## Acronyms

AOS = Alternative operating scenario	NAAQS = National Ambient Air Quality Standards
APC = Air pollution control	NASA = National Aeronautics and Space Administration
ARB = Air Resources Board	NESHAP = National Emission Standards for Hazardous Air Pollutants
ARM = Approved replicable methodology	NO <sub>2</sub> = Nitrogen dioxide
ATCM = Airborne toxic control measure	NO <sub>x</sub> = Nitrogen oxide
BMAP = Basin Management Action Plan	NOI = Notice of Intent
BMP = Best management practice	NPDES = National Pollutant Discharge Elimination System
CAA = Clean Air Act	NPRM = Notice of Proposed Rulemaking
CAIR = Clean Air Interstate Rule	NRC = Nuclear Regulatory Commission
Cal/EPA = California Environmental Protection Agency	NSPS = New Source Performance Standard
CARB = California Air Resources Board	NSR = New Source Review
CCR = <i>California Code of Regulations</i>	OAC = Ohio Administrative Code
CERR = Consolidated Emission Reporting Rule	OEPA = Ohio Environmental Protection Agency
CFR = <i>Code of Federal Regulations</i>	OSHA = Occupational Safety and Health Administration
CRNR = <i>California Regulatory Notice Register</i>	PFAC = Perfluoroalkyl carboxylate
CTG = Control techniques guideline	PFAS = Perfluoroalkyl sulfonates
CUPA = Certified Unified Program Agencies	PM = Particulate matter
CVD = Chemical vapor deposition	PSD = Prevention of significant deterioration
CWA = Clean Water Act	RACT = Reasonably available control technology
DC-MD-VA = District of Columbia, Maryland, and Virginia	RIN = Regulatory Identification Number
DoD = U.S. Department of Defense	RRAC PC = Principal Center for Regulatory Risk Analysis and Communication
DOE = U.S. Department of Energy	SERC = State Emergency Response Commission
DTSC = Department of Toxic Substances Control	SF6 = Sulfur hexafluoride
EPA = U.S. Environmental Protection Agency	SIP = State Implementation Plan
F.A.C. = Florida Administrative Code	SNUR = Significant New Use Rule
FAP = Flexible air permit	TBD = To be determined
FAW = <i>Florida Administrative Weekly</i>	TMDL = Total maximum daily load
FDEP = Florida Department of Environmental Protection	TNT = 2,4,6-Trinitrotoluene
FR = <i>Federal Register</i>	TRU = Transport refrigeration unit
GHG = Greenhouse gas	USACE = U.S. Army Corps of Engineers
GSE = Ground support equipment	U.S. = United States
GSFC = Goddard Space Flight Center	Va.R. = <i>Virginia Register</i>
HCFC = Hydrochlorofluorocarbon	VAC = Virginia Administrative Code
HAP = Hazardous air pollutant	VDEQ = Virginia Department of Environmental Quality
HTML = HyperText Markup Language	VOC = Volatile organic compound
ISOR = Initial Statement of Reasons	
LAC = Louisiana Administrative Code	
LID = Low impact development	
MDE = Maryland Department of the Environment	

## 1.0 U.S. Federal Regulatory Review

### 1.1 Federal Register Summary

This summary includes FR items that were reviewed for potential impacts to NASA Centers and Programs.

RRAC PC Tracking Number	Subject	Date	Citation	Type Action	Description	Suggested Actions
Fed011609-1	Aquatic Environments Pesticide-treated Wood Products	01/13/2009	<a href="#">74 FR 1663</a>	Notice	National Oceanic and Atmospheric Administration  Availability of Draft Guidelines for Use of Pesticide-treated Wood Products  Requests comments on a draft guideline document regarding the use of pesticide-treated wood products in aquatic environments. The intent of the guidelines is to aid personnel conducting Endangered Species Act and Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat consultations in making consistent determinations regarding projects that propose to use pesticide-treated wood products. Comments due 03/16/2009.	
Fed011609-2	CAA NAAQS-Ozone	01/16/2009	<a href="#">74 FR 2936</a>	Proposed Rule	Proposed Rule to Implement the 1997 8-Hour Ozone National Ambient Air Quality Standard: Revision on Subpart 1 Area Reclassification and Anti-backsliding Provisions under Former 1-Hour Ozone Standard; Proposed Deletion of Obsolete 1-Hour Ozone Standard Provision  Proposes to revise the rule for implementing the 1997 8-hour ozone NAAQS for several of the limited portions of the rule that were vacated. Addresses the classification system for the initial nonattainment areas that the implementation rule originally covered. Also addresses how contingency measures that apply for failure to attain or make reasonable progress toward attainment of the 1-hour standard should apply under the anti-backsliding provisions of the implementation rule. Removes language relating to the vacated provisions of the rule that provided exemptions from the requirements of NSR and penalty fees under the 1-hour standard. EPA plans to issue a separate proposed rule providing additional guidance regarding how these two requirements now apply. Deletes an obsolete provision in the 1-hour ozone standard. Comments due 02/17/2009. [RIN 2060-AO96]	

RRAC PC Tracking Number	Subject	Date	Citation			Suggested Actions
				Type Action	Description	
Fed011609-3	CAA PSD and NSR– Aggregation, Netting, and Debottlenecking	01/15/2009	<a href="#">74 FR 2376</a>	Final Action	<p>PSD and Nonattainment NSR: Aggregation and Project Netting [40 CFR Parts 51 and 52]</p> <p>Final action on proposed rule (<a href="#">71 FR 54235, 09/14/2006</a>) to clarify three aspects of the NSR program- aggregation, debottlenecking, and project netting. Pertains to determining what emissions increases and decreases to consider in determining major NSR applicability for modified sources. Retains the current rule text for aggregation and interprets it to mean that sources and permitting authorities should combine emissions when activities are “substantially related.” Interprets substantially related to mean economically or technically interrelated. Adopts presumption that activities at a plant can be presumed not to be substantially related if they occur three or more years apart. Takes no action regarding the proposed rule for project netting. See the related item on debottlenecking below. Effective 02/17/2009. [RIN 2060-AL75]</p>	
Fed011609-4	CAA PSD and NSR– Debottlenecking	01/15/2009	<a href="#">74 FR 2460</a>	Final Action	<p>PSD and Nonattainment NSR: Debottlenecking [40 CFR Parts 51 and 52]</p> <p>Withdraws proposed rule (<a href="#">71 FR 54235, 09/14/2006</a>) for debottlenecking. Debottlenecking refers to how emissions upstream and downstream from the unit(s) undergoing a physical or operational change are included when determining major NSR applicability. Withdrawn 01/15/2009. [RIN 2060-AL75]</p>	
Fed011609-5	CAA Regional Haze Rule	01/15/2009	<a href="#">74 FR 2392</a>	Final Rule	<p>Finding of Failure to Submit State Implementation Plans Required by the 1999 Regional Haze Rule [40 CFR Part 52]</p> <p>Final action finding that 37 states, the District of Columbia, and the U.S. Virgin Islands have failed to submit SIPs for improving visibility in the nation's national parks and wilderness areas. Under the Regional Haze Rule, states were required to submit these SIPs to EPA by 12/17/2007. The following states of interest to NASA failed to submit a SIP addressing any of the requirements:</p> <ul style="list-style-type: none"> <li>▪ California</li> <li>▪ District of Columbia</li> <li>▪ Florida</li> <li>▪ Hawaii</li> <li>▪ Maryland</li> <li>▪ Ohio</li> <li>▪ Texas</li> <li>▪ Virginia</li> </ul> <p>The following state of interest to NASA failed to submit a SIP addressing part of the required elements:</p> <ul style="list-style-type: none"> <li>▪ New Mexico</li> </ul> <p>Effective 01/15/2009.</p>	

RRAC PC Tracking Number	Subject	Date	Citation	Type Action	Description	Suggested Actions
Fed011609-6	Climate Change	01/13/2009	<a href="#">74 FR 1666</a>	Notice	<p>National Oceanic and Atmospheric Administration</p> <p>U.S. Climate Change Science Program Draft Unified Synthesis Product Report: Global Climate Change Impacts in the United States</p> <p>Announces a public comment period for the second draft of the report titled, "<a href="#">U.S. Climate Change Science Program Unified Synthesis Product</a>." Comments due 02/27/2009. [RIN 0648-XM56]</p>	
Fed011609-7	Coast Guard Oil Pollution Prevention Equipment	01/16/2009	<a href="#">74 FR 3363</a>	Interim Rule	<p>Coast Guard</p> <p>Pollution Prevention Equipment [33 CFR Parts 155 and 157; 46 CFR Part 162]</p> <p>Amends oil pollution prevention equipment regulations to make them consistent with new international guidelines and specifications. Will require all vessels replacing or installing oil separators and bilge alarms to install equipment that meets revised standards. Also will require newly constructed vessels carrying oil in bulk to install monitoring systems that meet the revised standards. Requests comments on the proposed changes involving vessels constructed and equipment installed on or after 01/01/2005. Effective 03/17/2009 except for three paragraphs, which are effective 10/13/2009. Comments due 04/16/2009. [RIN 1625-AA90]</p>	
Fed011609-8	Endangered Species Act Petition to List 475 Species	01/06/2009	<a href="#">74 FR 419</a>	Notice	<p>U.S. Fish and Wildlife Service</p> <p>Endangered and Threatened Wildlife and Plants; Partial 90-Day Finding on a Petition to List 475 Species in the Southwestern United States as Threatened or Endangered with Critical Habitat</p> <p>Announces a 90-day finding on 270 species from a petition to list 475 species in the southwestern United States as threatened or endangered. The finding is that the petition does not present substantial scientific or commercial information indicating that listing these 270 species may be warranted. An additional 5 species of the 475 included in the petition were not considered in this finding because they do not fall within the scope of the petition or are not a listable entity.</p>	

RRAC PC Tracking Number			Citation	Type Action	Description	Suggested Actions
	Subject	Date				
Fed011609-9	Environmental Modeling	01/12/2009	<a href="#">74 FR 1215</a>	Notice	Notice of Availability of the Final White Paper on Integrated Modeling for Integrated Environmental Decision Making	
	Integrated Modeling				<p>Announces the availability of the final <a href="#">White Paper on Integrated Modeling for Integrated Environmental Decision Making</a>. Integrated modeling is an approach to modeling the environment and the fate and transport of pollutants through multiple environmental media and multiple exposure pathways, and the consequent responses of humans and ecosystems. The white paper includes the following:</p> <ul style="list-style-type: none"> <li>▪ Discussion of the importance and value of integrated modeling for EPA science and decision-making</li> <li>▪ State of the art and practice of integrated modeling and examples of it have been successfully applied</li> <li>▪ Challenges to more fully implementing this approach in the future</li> <li>▪ Plan to facilitate the development and application of integrated modeling for integrated decision making</li> </ul>	
Fed011609-10	Explosives	01/14/2009	<a href="#">74 FR 1878</a>	Final Rule	<p>Bureau of Alcohol, Tobacco, Firearms, and Explosives</p> <p>Commerce in Explosives--Amended Definition of "Propellant Actuated Device" [27 CFR Part 555]</p> <p>Amends regulations to clarify that the term "propellant actuated device" does not include hobby rocket motors or rocket-motor reload kits consisting of or containing ammonium perchlorate composite propellant, black powder, or other similar low explosives. Effective 02/13/2009. [RIN 1140-AA24]</p>	

RRAC PC Tracking Number	Subject	Date	Citation	Type Action	Description	Suggested Actions
Fed011609-11	Hazardous Materials Transportation	01/14/2009	<a href="#">74 FR 2199</a>	Final Rule	<p>Pipeline and Hazardous Materials Safety Administration</p> <p>Hazardous Materials: Revision to Requirements for the Transportation of Batteries and Battery-powered Devices; and Harmonization with the United Nations Recommendations, International Maritime Dangerous Goods Code, and International Civil Aviation Organization's Technical Instructions [49 CFR Parts 171, 172, 173, 175, 176, and 178]</p> <p>Revises the Hazardous Materials Regulations to maintain alignment with international standards by incorporating various amendments. Includes changes to the following:</p> <ul style="list-style-type: none"><li>▪ Proper shipping names</li><li>▪ Hazard classes</li><li>▪ Packing groups</li><li>▪ Special provisions</li><li>▪ Packaging authorizations</li><li>▪ Air transport quantity limitations</li><li>▪ Vessel stowage requirements</li></ul> <p>Also includes amendments and clarifications addressing the safe transportation of batteries and battery-powered devices. Clarifies the prohibition against transporting electrical devices, including batteries and battery-powered devices that are likely to create sparks or generate a dangerous amount of heat. Modifies requirements for the packaging and handling of batteries and battery-powered devices, particularly in air commerce. Effective 02/13/2009. Voluntary compliance date is 01/01/2009. Compliance is required by 01/01/2010. [RIN 2137-AE31]</p>	
Fed011609-12	Nanotechnology	01/15/2009	<a href="#">74 FR 2635</a>	Notice	<p>National Nanotechnology Coordination Office</p> <p>Announces a <a href="#">workshop</a> to provide an open forum to discuss the state-of-the-art of the science related to environmental, health, and safety aspects of engineered nanoscale materials in the area of human and environmental exposure assessment. Workshop to be held 02/24/2009 through 02/25/2009 in Bethesda, Maryland.</p>	
Fed011609-13	OSHA Voluntary Protection Programs	01/09/2009	<a href="#">74 FR 927</a>	Notice	<p>Occupational Safety and Health Administration</p> <p>Revisions to the Voluntary Protection Programs to Provide Safe and Healthful Working Conditions</p> <p>Revises the Voluntary Protection Program by adding two new ways to participate: mobile workforce and corporate. Includes significant reorganization of the program to clarify the multiple participation options now available. Additional changes include the following:</p> <ul style="list-style-type: none"><li>▪ Greater flexibility in the Voluntary Protection Program Demonstration Program</li><li>▪ Modified provisions concerning Star Program Rate Reduction Plans and 1-Year Conditional status</li><li>▪ Clarified requirements for federal agency participants performing construction activities</li><li>▪ A new expectation concerning outreach and mentoring activities</li></ul> <p>Effective 05/09/2009.</p>	

RRAC PC Tracking Number	Subject	Date	Citation	Type Action	Description	Suggested Actions
Fed011609-14	Radioactive Materials Radiation Survey Manual	01/16/2009	<a href="#">74 FR 2998</a>	Notice	DoD, DOE, EPA, and NRC Multi-agency Radiation Survey and Assessment of Materials and Equipment Manual Announces the availability of the final " <a href="#">Multi-Agency Radiation Survey and Assessment of Materials and Equipment Manual</a> ." Provides information about planning, conducting, evaluating, and documenting radiological surveys for demonstrating compliance with measurable action levels.	
Fed011609-15	Toxic Substances Acrolein and Barium	01/09/2009	<a href="#">74 FR 900</a>	Notice	Agency for Toxic Substances and Disease Registry Announcement of Final Priority Data Needs for Two Priority Hazardous Substances Announces the final priority data needs for two priority hazardous substances—acrolein and barium. Also serves as a continuous call for voluntary research proposals. Background technical information and justification for the priority data needs in this notice are in the <a href="#">priority data needs documents</a> .	

## 1.2 Status of Continuing Actions in Progress

This section provides the status of selected actions the RRAC PC currently is tracking for possible program-related impacts. Questions about any of these actions or suggestions for additions to this list should be directed to [Sharon Scroggins](#).

Significant Dates <i>italic = target date</i>		Subject Action [RIN]	Type of Action	Comments
NPRM	<i>03/2009</i>	NESHAP: Defense Land Systems and Miscellaneous Equipment [2060-AM84]	Pre-rule	Possible impact to Ground Operations.
Final Action	<i>09/2009</i>			Will cover surface cleaning, preparation, coating, and stripping operations on non-flight hardware at some NASA facilities. Could affect launch pads and GSE.
NPRM	<i>TBD</i>	HCFC Labeling [2060-AO68]	Pre-rule	Administrative requirement for certain space vehicle materials.
Final Action	<i>TBD</i>			Would require containers of materials containing HCFCs to bear warning statements.
NPRM	<i>03/2009</i>	NESHAP: Risk and Technology Review, Phase II Group 2B [2060-AO92]	Pre-rule	Possible space vehicle materials or operations impacts.
Final Action	<i>06/2010</i>			Evaluation of residual risk remaining after implementation of NESHAP regulations. Could impose further restrictions on operations subject to the Aerospace NESHAP, including coating, stripping, and cleaning of space flight hardware.
NPRM	10/10/2008 <a href="#">73 FR 60431</a>	NESHAP: Risk and Technology Review, Phase II Group 2A [2060-AO91]	Proposed Rule	Possible space vehicle materials or supply chain impacts.
Final Action	<i>01/2009</i>			Evaluation of residual risk remaining after implementation of NESHAP regulations. Includes the manufacture of various types of elastomers, such as Hypalon™. Proposes no further restrictions on covered sources; however, public comments could influence the addition of restrictions during the comment period.
NPRM	10/06/2008 <a href="#">73 FR 58351</a>	Area Source NESHAP for Miscellaneous Chemical Manufacturing [2060-AM19]	Proposed Rule	Possible space vehicle materials or supply chain impacts.
Final Action	<i>01/2009</i>			Will impose requirements on area sources that manufacture chemicals; could drive reformulations to avoid regulatory requirements.
NPRM	01/03/2007 <a href="#">72 FR 69</a>	NESHAP General Provisions—Once In, Always In [2060-AM75]	Proposed Rule	Possible impacts to facilities, including space flight support facilities.
Final Action	<i>05/2009</i>			Could have an effect on how NESHAPs affect certain NASA Centers and vendor facilities.

Significant Dates <i>italic = target date</i>		Subject Action [RIN]	Type of Action	Comments
NPRM	03/07/2006 <a href="#">71 FR 11483</a>	SNUR: Perfluorinated Polymers [2070-AD58]	Proposed Rule	Possible space vehicle materials impacts.
Final Action	08/2009			Rule could limit new U.S. production of any new materials or significant uses of perfluorinated polymers including those containing PFASs; PFACs; fluorotelomers; or perfluoroalkyl moieties that are covalently bound to a carbon or a sulfur atom where the carbon or sulfur atom is an integral part of the polymer molecule.

## 1.3 Significant News and Other Developments

### 1.3.1 EPA Issues Final Rule to Exclude Two Substances from VOC Regulations

On 13 January 2009, EPA issued the [prepublication of final rule](#) to exclude two substances, propylene carbonate and dimethyl carbonate, from the requirement to be regulated as VOCs under the CAA for meeting the NAAQS for ozone. EPA is excluding these two compounds as VOCs because scientific evidence has demonstrated that they are "negligibly reactive," meaning they contribute little or nothing to the formation of smog. The final rule allows states to remove regulatory controls on these two compounds that are part of SIPs designed to help states meet the NAAQS for ground-level ozone. Additionally, these two compounds are not listed as HAPs, so are not subject to requirements under NESHAP for Source Categories regulations.

### 1.3.2 EPA Issues Final Rule to Promote Flexible Air Permitting

On 13 January 2009, EPA issued a [prepublication version](#) of its final rule to facilitate the use of FAPs to allow a permitted major source to obtain approval for described categories of changes in advance without subsequent regulatory review of the changes when they occur. The FAP approaches in the Title V permit must address the anticipated changes. A facility must first request a FAP to be considered by the regulatory agency. Any approved FAP would authorize a facility to make the changes outlined in the permit without additional reviews or approvals from the regulatory agency. The source must continue to meet all CAA requirements that apply, such as those established by NESHAPs or NSPSs.

A facility may use two approaches in its FAP: AOSs or ARMs. AOSs authorize a facility to make changes to the operations of existing emissions units without triggering a Title V permit revision. The AOSs identify the requirements associated with the alternative scenario to provide for ongoing compliance. ARMs are replicable protocols placed in a Title V permit to facilitate compliance. For example, an ARM could specify a testing procedure for updating an emissions factor. To be approvable, an ARM must be based on sound engineering principles and deliver replicable results when operating on the same input data.

### 1.3.3 Video Shows Green Practices to Manage Storm Water Runoff

EPA and the U.S. Botanic Garden produced a video, "[Reduce Runoff: Slow It Down, Spread It Out, Soak It In](#)," available [online](#), that highlights LID storm water management techniques. LIDs are green storm water management practices such as rain gardens, green roofs, and rain barrels that help manage storm water runoff by moving water as nature does while capturing pollutants.

## 2.0 State Regulatory Reviews

The following sections provide details of the regulatory actions reviewed for selected states in which NASA facilities and related operations are located.

### 2.1 Alabama State Regulatory Review

No regulatory items of interest were identified during this reporting period for the state of Alabama.

### 2.2 California State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in California. Citations of the [CRNR](#) are linked to the appropriate volume of the Register, which is published in Adobe Acrobat (.pdf) file format.

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
CA011608-1	Air GHG - Semiconductors	01/09/2009	<a href="#">CRNR 2009, 2z, p. 70</a>	<a href="#">Notice</a> Public Hearing	<a href="#">Air Resources Board</a> Notice of Public Hearing to Consider the Adoption of a Proposed Regulation to Reduce GHG Emissions from California Semiconductor Operations [17 CCR 95320-6]  Announces a <a href="#">hearing</a> regarding a proposed regulation intended to reduce fluorinated gas emissions from semiconductor operations. Fluorinated gases are used to clean CVD tool chambers where thin films are deposited on wafers and to etch integrated circuits into thin films. Further information has been provided on the rulemaking <a href="#">website</a> , including the <a href="#">Initial Statement of Reasons</a> . A public hearing is scheduled 02/26/2009 in Sacramento, California. Comments due 02/25/2009.	
CA011608-2	Air GHG - SF6	01/09/2009	<a href="#">CRNR 2009, 2z, p. 66</a>	<a href="#">Notice</a> Public Hearing	<a href="#">Air Resources Board</a> Notice of Public Hearing to Consider Adopting A Regulation to Reduce Sulfur Hexafluoride Emissions in Non-Semiconductor and Non-Utility Applications [17 CCR 95340-6]  Announces a hearing regarding a proposed regulation to reduce emissions of SF6, a GHG, from non-semiconductor and non-utility applications through a multi-year phase-out. Further information is available on the rulemaking <a href="#">website</a> , including the <a href="#">Initial Statement of Reasons</a> . A public hearing is scheduled 02/26/2009 in Sacramento, California. Comments due 02/25/2009.	
CA011608-3	Air Transport Refrigeration Units	01/16/2009	<a href="#">74 FR 3030</a>	Notice	<a href="#">U.S. Environmental Protection Agency</a> California State Nonroad Engine and Vehicle Pollution Control Standards; Authorization of Transport Refrigeration Unit Engine Standards  Grants California its request for authorization to enforce its ATCM establishing in-use emission performance standards for engines in TRUs and TRU generator sets that will be phased in beginning 12/31/2008. Effective 01/16/2009.  <a href="#">Further information on this program is posted on the CARB website.</a>	

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
CA011609-4	Endangered Species Delta Smelt	01/16/2009	<a href="#">CRNR 2009, 3z, p. 111</a>	Proposed Rule	<a href="#">California Fish and Game Commission</a> Delta Smelt—Uplist from Threatened to Endangered. [14 CCR 670.5] This action proposes to list the delta smelt as an endangered species. Comments due 03/03/2009.	
CA011609-5	Proposition 65 Chemicals Testing	01/16/2009	<a href="#">CRNR 2009, 3z, p. 125</a>	Final Rule	<a href="#">Office of Environmental Health Hazard Assessment</a> Chemicals Required by State or Federal Law to Have Been Tested for Potential to Cause Cancer or Reproductive Toxicity B [27 CCR 27000] Amends its list of chemicals required to have been tested for the potential to cause cancer or reproductive toxicity, but which have not been adequately tested as required. Effective 01/01/2009.	
CA011609-6	Proposition 65 Hexavalent Chromium, TNT	01/16/2009	<a href="#">CRNR 2009, 3z, p. 125</a>	Final Rule	<a href="#">Office of Environmental Health Hazard Assessment</a> Chemicals Known to the State to Cause Cancer or Reproductive Toxicity [27 CCR 27001] Amends its list of chemicals known to the state to cause cancer or reproductive toxicity. Effective 12/19/2008. <b>Final action listing TNT as a carcinogen in the state, and hexavalent chromium as a reproductive toxicant. Further information on this action is posted at the OEHA website. An updated, complete list of Proposition 65 chemicals is also available.</b>	
CA011609-7	Proposition 65 Safe Use Determinations	01/09/2009	<a href="#">CRNR 2009, 2z, p. 84</a>	Notice	<a href="#">Office of Environmental Health Hazard Assessment</a> Notice of Modifications to Text of Proposed Amended Regulation [27 CCR 25204] Proposed minor clarification and substantive change to address public comment received. Further information, including <a href="#">proposed text</a> , is available on the rulemaking <a href="#">website</a> . Comments due 01/26/2009.	
CA011609-8	Water Santa Clara River Basin	01/16/2009	<a href="#">CRNR 2009, 3z, p. 125</a>	Proposed Rule	<a href="#">State Water Resources Control Board</a> Subdivision of Reach 4 of the Santa Clara River Basin Plan Amendment [23 CCR 3939.34] Proposes adoption to amend the Los Angeles Basin Plan by subdividing Reach 4 of the Santa Clara River into Reach 4A and Reach 4B. Subdividing Reach 4 recognizes hydrogeologic conditions that affect chloride and other water quality parameters to the upper and lower segments of Reach 4, and will allow more localized, site-specific water quality and TMDL studies for upcoming amendments to the basin plan. The proposed action does not modify the current basin plan water quality objectives.	

## 2.2.1 Upcoming Training Opportunities

DTSC is hosting two symposiums at the Cal/EPA building in Sacramento:

- 02/04/2009 - [The Global Perspective on Green Remediation, or “Making Clean Green,”](#) and
- 02/19/2009 - [The Greening of Electronics in a Global Economy.](#)

ARB is offering additional seminars in February and March to assist fleet owners with compliance with the new Off-road Diesel Vehicle Regulations. See the [website](#) for additional information.

Additionally, California CUPA is hosting its [annual conference](#) at the Hyatt Regency in Garden Grove from 26 January through 29 January 2009.

## 2.3 Florida State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in Florida.

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
FL011609-1	Permits	01/16/2009	<a href="#">FAW Notice #6633362</a>	Proposed Rule	Chapter 62–FDEP 4–Permits Proposes to amend the fee schedule in Rules 62-4.050 and 62-4.053, F.A.C., to establish new fees and minimum fee requirements for environmental resource and wetland resource permit programs and the drinking water and mangrove programs. Draft text is available in the <a href="#">FAW Notice</a> . Comments due 02/06/2009.	
FL011609-2	Water Springs	01/16/2009	<a href="#">FAW Notice #6612022</a>	Notice Meeting	Chapter 62–FDEP–Springs Task Force Announces a meeting to discuss issues related to the protection, assessment, and restoration of Florida's springs. The meeting will be held 01/29/2009 in Homasassa, Florida.	

### 2.3.1 Florida Surface Water Restoration

U.S. EPA and FDEP are taking actions intended to protect and restore surface waters and aquatic life in the state. As noted in the [Decision Letter](#) to FDEP, EPA is issuing a formal determination under the CWA that “numeric” nutrient water quality criteria are necessary in Florida. As part of FDEP’s efforts to accelerate adoption of numeric nutrient criteria into the state regulations, the [Numeric Nutrient Criteria](#) Development Plan will address water quality management tool improvement, identify waters impaired because of nutrient pollution, establish TMDLs and BMAPs, and derive NPDES permit limits. Further information is available on the EPA [website](#).

## 2.4 Hawaii State Regulatory Review

No regulatory items of interest were identified during this reporting period for the state of Hawaii.

## 2.5 Louisiana State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in Louisiana.

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
LA011609-1	Air Expedited Penalties	01/07/2009	<a href="#">OS081</a>	Final Rule	Louisiana Department of Environmental Quality Expedited Penalties for Asbestos and Lead [LAC 33:1.807] This rule adds certain asbestos and lead violations to the list of violations that may qualify for expedited penalties in <a href="#">LAC 33:1.807</a>	

## 2.6 Maryland State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in Maryland.

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
MD011609-1	Air NAAQS - PM2.5	01/12/2009	<a href="#">74 FR 1146</a>	Final Rule	<a href="#">U.S. Environmental Protection Agency</a> Approval and Promulgation of Air Quality Implementation Plans; the Metropolitan Washington Nonattainment Area; Determination of Attainment of the Fine Particle Standard Finalizes determination that the Metropolitan Washington, DC-MD-VA nonattainment area (including Prince Georges County, Maryland) has attained the 1997 fine particle PM2.5 NAAQS. This final action will suspend the requirements found in <a href="#">40 CFR 51.1004(c)</a> related to attainment of the 1997 PM2.5 NAAQS as the area continues to attain the 1997 PM2.5 NAAQS. Effective 01/12/2009.	<a href="#">GSFC</a> should be aware of this change in status.

### 2.6.1 Final NPDES General Permit for Construction-related Storm Water

MDE has issued an NPDES [General Permit for Storm Water Associated with Construction Activity](#). The permit is required for all construction activity in Maryland that has a planned total disturbance of 1 acre or more. The permit is effective on 1 January 2009 and expires on 31 December 2013.

Key changes include the following: 1) a waiting period following submission of the NOI before permit coverage is approved; 2) sediment discharge monitoring requirements; 3) additional site plan criteria; and 4) additional language regarding applicable TMDLs and water quality standards.

### 2.6.2 Erosion and Sediment Control Standards

MDE plans to review the state's existing [1994 Erosion and Sediment Control Standards](#) in early 2009 and to develop proposed modifications to the "Maryland Standards and Specifications for Soil Erosion and Sediment Control" by 30 May 2010. Review topics will include Environmental Site Design requirements, the use of flocculants, new stabilization standards, new standards for BMPs, and new technology. Further information is posted on the MDE [website](#).

## 2.7 Mississippi State Regulatory Review

This summary includes items that were reviewed for potential impact to NASA Centers and Programs in Mississippi.

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
MS011609-1	Air Air Quality	01/07/2009	Mississippi Administrative Bulletin #15838, <a href="#">Notice</a> and <a href="#">Full Text</a>	Final Rule	<p>Mississippi Department of Environmental Quality</p> <p>APC-S-1- Air Emission Regulations for the Prevention, Abatement, and Control of Air Contaminants</p> <p>Finalizes amendments to Mississippi's air emissions regulations to add definitions and clarifying language. Also adopts by reference federal regulations to ensure state regulations are consistent with the federal requirements, 40 CFR parts 53, 62, and 96 as described below:</p> <ul style="list-style-type: none"> <li>40 CFR 53, Ambient Air Monitoring and Reference and Equivalent Methods, Subpart A, General Provisions: Updates and adds terms to definitions.</li> <li>40 CFR 62, Approval and Promulgation of State Plans for Designated Facilities and Pollutants, Subpart HHH, Federal Plan Requirements for Hospital/ Medical /Infectious Waste Incinerators Constructed on or Before June 20, 1996: Updates emission limits, monitoring requirements, and performance test requirements.</li> <li>40 CFR 96, NOX Budget Trading Program and CAIR NOX and SO<sub>2</sub> Trading Programs for State Implementation Plans, Subpart AA, AAA, and AAAA General Provisions: Updates text to clarify the term "permitting authority."</li> </ul>	

## 2.8 New Mexico State Regulatory Review

No regulatory items of interest were identified during this reporting period for the state of New Mexico.

## 2.9 Ohio State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in Ohio.

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
OH011609-1	Air Air Emissions	01/09/2009	<a href="#">News Release</a>	Notice	<p>OEPA Establishes Air Emissions Banking Web Site for Business and Industry</p> <p>Introduces a new online voluntary emissions credit banking system to make it easier for companies to build or expand in Ohio counties that do not meet federal air quality standards. Further information regarding the emissions banking system is available on OEPA's <a href="#">website</a>.</p>	

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
OH011609-2	Air Air Quality- RACT	01/05/2009	<a href="#">Public Notice</a>	Proposed Rules	<p>Division of Air Pollution Control, OEPA</p> <p>Proposed new, amended, and rescinded rules for "Carbon Monoxide, Photochemically Reactive Materials, Hydrocarbons, and related Materials Standards" [OAC <a href="#">3745-21</a>]</p> <p>Proposes new, amended, and rescinded rule language in OAC Chapter 3745-21, "Carbon Monoxide, Photochemically Reactive Materials, Hydrocarbons, and related Materials Standards." The rules in this submittal are based, in part, on federal CTGs and address certain cleaning, coating, refinishing, and printing operations. The new rules will apply to the eight "moderate" non-attainment counties located in the Cleveland/Akron, Ohio, metropolitan area, including Cuyahoga County. Please see the <a href="#">Responsive Summary to Comments</a>, <a href="#">rule language</a>, and <a href="#">synopsis</a> for additional information. Comments due 02/13/2009.</p> <p>Please note that this proposal would, among other actions, establish requirements for certain types of operations based on EPA RACT guidance from the "<a href="#">Control Techniques Guidelines for Industrial Cleaning Solvents</a>".</p>	<a href="#">NASA Facilities</a> and operations in Ohio should be aware of the proposal.
OH011609-3	Air General Provisions	01/12/2009	<a href="#">Public Notice</a>	Final Rule	<p>Division of Air Pollution Control, OEPA</p> <p>Notice of Adoption of Rules [OAC <a href="#">3745-15</a>]</p> <p>Adopts amended OAC Rules 3745-15-01, 3745-15-02, 3745-15-04, 3745-15-05, 3745-15-08, and 3745-15-09, which establish the general provisions for air pollution sources located in the State of Ohio. Effective: 01/22/2009.</p>	
OH011609-4	Emergency Response Emergency Response Requirements	01/12/2009	<a href="#">Notice</a>	Proposed Rule	<p>Division of Air Pollution Control, OEPA</p> <p>Proposed Emergency Response Rules [OAC 3750 Chapters 10, 20, and 75]</p> <p>Proposes to retain Rules 3750-10-05, 3750-10-07, 3750-10-09, 3750-20-60, 3750-75-02, 3750-75-05, and 3750-75-07 to 3750-75-10, which contain administrative requirements used by the SERC and requirements for emergency lock box units. Proposal is pursuant to the required 5-year review cycle.</p>	
OH011609-5	Water Water Quality: Sandusky Harbor	01/16/2008	<a href="#">Public Notice</a> , pg. 8	Notice	<p>Division of Surface Water, OEPA</p> <p>Public Notice of Receipt of 401 Application and Public Hearing: Sandusky Harbor (Operations and Maintenance Dredging) Erie County, Ohio</p> <p>OEPA has received an application for a CWA Section 401 Certification for a USACE dredging project in the Sandusky Harbor. The application was submitted by the USACE, Buffalo District. The project is located within the limits of the federal navigation channels, including the Turning Basin, North and South Straight, Bay, Dock, and Moseley Channels, and at designated open-lake areas in Lake Erie in the vicinity of Sandusky Bay. Public hearing is scheduled for 02/26/2009. Comments due 03/06/2009.</p>	

## 2.10 Texas State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in Texas. Citations of the *Texas Register* are linked within the text to the corresponding entry in the version of the *Texas Register* published in HTML file format. Current and historical versions of the *Texas Register* in HTML and Adobe Acrobat (.pdf) file

format can be downloaded from the [Texas Register](#) section of the Texas Secretary of State website.

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
TX011609-1	CAA SIP-El Paso County	01/15/2009	<a href="#">74 FR 2387</a>	Direct Final Rule	<a href="#">U.S. Environmental Protection Agency</a> Approval and Promulgation of Air Quality Implementation Plans; Texas; Approval of the Section 110(a)(1) Maintenance Plan for the 1997 8-Hour Ozone Standard for El Paso County [40 CFR Part 52] Direct final action approving a revision to the Texas SIP. The revision consists of a maintenance plan for El Paso County developed to ensure continued attainment of the 1997 8-hour ozone NAAQS through the year 2014. Effective 03/16/2009 unless adverse comments are received by 02/17/2009.	

## 2.11 Utah State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in Utah.

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
UT011609-1	Air SIP-Emissions Reporting	01/14/2009	<a href="#">74 FR 1899</a>	Direct Final Rule	<a href="#">U.S. Environmental Protection Agency</a> Revisions to the Utah State Implementation Plan, Utah Department of Air Quality [40 CFR Part 52] Finalizes revisions to Utah's SIP to incorporate requirements of EPA's CERR into the Utah SIP. Effective 03/16/2009 unless adverse comments are received by 02/13/2009.	
UT011609-2	Air SIP-PSD	01/07/2009	<a href="#">74 FR 667</a>	Proposed Rule	<a href="#">U.S. Environmental Protection Agency</a> Revisions to the Utah State Implementation Plan, Utah Department of Air Quality [40 CFR Part 52] Proposes to approve several revisions to Utah's SIP that pertain to the PSD Program. Also proposes to disapprove a SIP revision that alters the definition of a "Major Source Baseline Date". Comments due 02/06/2009.	

## 2.12 Virginia State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in Virginia. Citations of the [Virginia Register](#) (Va.R.) are linked to the appropriate volume of the Register, which is published in Adobe Acrobat (pdf) file format.

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
VA011609-1	Waste	01/05/2009	<a href="#">25:9 Va.R. 1681</a>	Final Rule	Virginia Waste Management Board 9 VAC 20-10, 9 VAC 20-11. Adopts the model public participation guidelines issued by the Virginia Department of Planning and Budget. Effective 02/04/2009.	
VA011609-2	Water	01/05/2009	<a href="#">VDEQ website</a>	Notice of Availability	VDEQ 2007 Fish Tissue Data Data concerning the presence of toxic contaminants in fish tissue for 2007 are available for public use.	